

**EPA Superfund
Explanation of Significant
Differences for the
Record of Decision:**

**Bailey Waste Disposal Superfund Site
Orange County, Texas
02/08/96**

100043

EXPLANATION OF SIGNIFICANT DIFFERENCE

I. INTRODUCTION

Site Name and Location:

Bailey Waste Disposal Superfund Site
Orange County, Texas

Lead and Support Agencies:

U.S. Environmental Protection Agency (EPA) -- Lead Agency
Texas Natural Resource Conservation Commission (TNRCC) -- Support Agency

Statute that required Explanation of Significant Difference (ESD):

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 117(c) and National Oil and Hazardous Substances Contingency Plan (NCP), Section 300.435(c)(2)(i).

Purpose of ESD

The purpose of an ESD is to describe changes in the remedial action due to unforeseen conditions encountered at the site during implementation of the Record of Decision (ROD). Changes found in the conditions at the Bailey Waste Disposal site require the EPA to modify the remedial action described in the June 28, 1988, ROD. As discussed in the ROD, affected marsh sediments (North Marsh Waste) were to be relocated to the site's Waste Channel Area, stabilized and capped. The North Marsh Waste constitutes approximately four percent (6,000 cubic yards) of the estimated total site waste volume of 156,000 cubic yards and is distinct from the rest of the site waste because of its location in a marsh. The purpose of this ESD is to inform the public that the North Marsh Waste will be taken offsite for disposal in a Class 1 industrial waste landfill. Circumstances that gave rise to the need for this ESD include:

- the opportunity to expedite the North Marsh Waste remedy component by taking this waste offsite for disposal during this current winter construction season;

- remediation activities within the Waste Channel Area, which was to have received the marsh affected sediments, are currently being reevaluated due to waste stabilization problems encountered at the site;
- expediting the excavation of the North Marsh Waste, which is the only site waste not contained within a levee, will remove this waste from direct contact with the marsh surface waters; and
- an estimated \$900,000 in costs savings when compared to previous construction bids for the North Marsh Waste remedy component.

Administrative Record:

This ESD will become part of the Administrative Record of the Bailey Waste Disposal Superfund site. The administrative record is available to the public for review during regular business hours at the following locations:

U.S. Environmental
Protection Agency, Region 6
12th Floor Library
1445 Ross Avenue
Dallas, Texas 75202-2733
(214)665-6427 or (214)665-6424

Nederland Public Library
1903 Atlanta
Nederland, Texas 77627
(409)722-1255

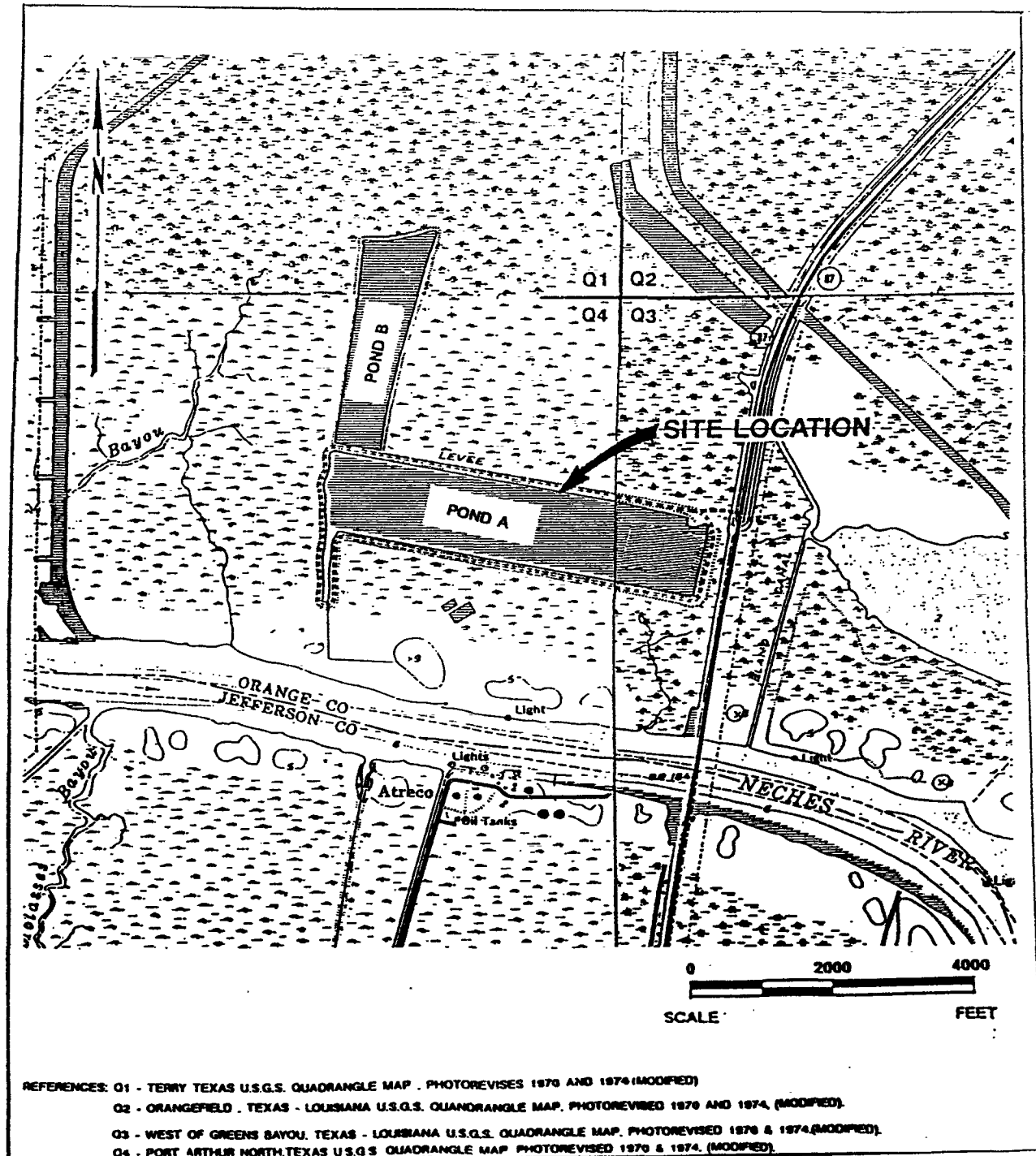
II. SUMMARY OF SITE HISTORY, CONTAMINATION PROBLEMS, AND SELECTED REMEDY

The Bailey Waste Disposal Superfund site is an inactive waste disposal site located approximately three miles southwest of Bridge City in Orange County, Texas. The site was part of a tidal marsh near the confluence of the Neches River and Sabine Lake. Two ponds, A and B, were constructed on the property as part of the Bailey Fish Camp in the early 1950's by dredging the marsh and piling the sediments to form levees which surround the ponds (see Figure 1). The fish camp was active until September 1961, when it was destroyed by Hurricane Carla which introduced saline waters into the ponds, killing the freshwater fish. The site, including the two rectangular ponds, occupies approximately 280 acres.

Industrial waste (e.g., sludge from local petrochemical industries) was disposed of within the levees along the north and east margins of Pond A during the 1950s and 1960s. This waste contains a wide variety of volatile organic compounds, aromatic hydrocarbons (i.e., ethylbenzene, styrene, benzene), and heavy metals (i.e., lead, arsenic, chromium, zinc). The site was also used to dispose of residential trash. The Bailey Waste Disposal site was closed in 1971.

FIGURE 1

VICINITY MAP
BAILEY WASTE DISPOSAL SITE
ORANGE COUNTY, TEXAS



In October 1984, the site was proposed for the National Priorities List (NPL) of Federal Superfund sites. The site was placed on the NPL in 1986. A remedial investigation was completed for the site in October 1987, and a feasibility study was completed in April 1988. On June 28, 1988, the site's Record of Decision was signed. The remedial action requirements are discussed below.

Remedy Set Forth in the Record of Decision

The overall site remedy, as originally described in the ROD, addressed the environmental threat at the site by consolidating, stabilizing and capping all site waste to prevent human contact and future migration. The specific ROD remedy component pertaining to the affected marsh sediments called for relocation of the affected sediments from the marsh to the Waste Channel, followed by stabilization and capping of the Waste Channel.

III. DESCRIPTION OF THE SIGNIFICANT DIFFERENCES AND THE BASIS FOR THOSE DIFFERENCES

This ESD changes one component of the original remedy. The affected sediments from the site's North Marsh Waste Area (marsh waste -- tarry waste and underlying-affected sediments) will be taken offsite for disposal in a Class 1 industrial waste landfill rather than being relocated, stabilized and capped onsite. By taking the marsh waste offsite to a landfill, excavation of the marsh waste can take place during this current winter construction season when the waste handling properties are optimal (due to lower ambient air temperatures, waste is less viscous and less volatile). The excavation of the marsh waste, which is the only site waste not contained within a levee, will remove this waste from direct contact with the marsh surface waters.

Onsite disposal of the marsh waste would require making improvements to Pit A (located adjacent to the Waste Channel) prior to placement of marsh waste into Pit A. These improvements would require significant lead time and would postpone the North Marsh Area waste excavation activities until at least the 1996/1997 winter construction season. Remediation activities within the Waste Channel Area, which were to have received the marsh affected sediments, are currently being reevaluated due to waste stabilization problems encountered at the site.

In addition to being more timely, implementation of this ESD will result in approximately \$900,000 in cost-savings. These projected savings are based on a review of original construction bids for making improvements to Pit A, placement of waste into the pit, and capping the pit (estimated specific costs of \$1,400,000) versus the estimated transportation costs and disposal fees of \$500,000 for taking the marsh waste to a offsite landfill. Additional savings will be found in not having to perform specific long-term maintenance activities associated with keeping the marsh waste onsite (See Table 1 for comparison of the original remedy versus offsite disposal).

TABLE 1
SIGNIFICANT DIFFERENCES – NORTH MARSH WASTE

ORIGINAL REMEDY	OFFSITE DISPOSAL
<u>Description:</u> <ul style="list-style-type: none"> ◦ Consolidate waste on site, stabilize and cap. 	<u>Description:</u> <ul style="list-style-type: none"> ◦ Offsite disposal of North Marsh Area waste in a Class 1 industrial waste landfill.
<u>Economic Considerations:</u> Both alternatives contain certain common elements that are considered baseline costs. These include excavation and handling of waste.	
<u>Specific Costs Items:</u> <ul style="list-style-type: none"> ◦ Improvements to receiving cell. ◦ Placement of materials in receiving cell (Pit A). ◦ Capping of receiving cell. Estimated specific costs = \$1,400,000.*	<u>Specific Costs Items:</u> <ul style="list-style-type: none"> ◦ Transportation of waste material to Class 1 industrial waste landfill. ◦ Disposal fees. Estimated specific costs = \$500,000.**
<u>Other Considerations:</u> <ul style="list-style-type: none"> ◦ North Marsh waste would remain onsite and would require long-term maintenance. ◦ Unlikely that work could be completed during 1995/1996 winter construction season, thereby causing the waste to remain in the North Marsh until the 1996/1997 winter construction season. 	<u>Other Considerations:</u> <ul style="list-style-type: none"> ◦ North Marsh waste removed from site, therefore no long-term maintenance requirements and costs specifically for the North Marsh waste. ◦ Could be completed within the next few months.

* Based on review of construction bids for this work.

** Based on the following assumptions:

- 6,000 cubic yards of material;
- 10 percent increase when stabilized;
- predisposal stabilization of the excavated material will occur onsite (cost savings will be realized if all or part of the excavated material does not require predisposal stabilization; and
- potential cost savings may be realized if the predisposal stabilization occurs at the disposal facility.

All current applicable federal and state regulations will be met for the transport of the marsh waste to the receiving Class 1 industrial waste landfill. In accordance with EPA's Offsite Policy (40 C.F.R. Section 300.440), and specifically with regards to the receiving landfill (Browning Ferris Industries Anahuac Landfill), the TNRCC in an October 27, 1995, Current Assessment of Compliance Summary stated:

- in general, the facility appears to be operating within the limitations set in its permit;
- Compliance Evaluation Inspections performed in the last five years at the subject facility noted no alleged violations;
- there have not been any spills reported at the subject facility in the last five years;
- no enforcement action is pending; and
- no prior enforcement action has occurred in the last five years for this facility.

The EPA has determined that the Resource Conservation and Recovery Act (RCRA) land disposal restrictions are not applicable for the offsite disposal of the North Marsh Area waste. EPA's rationale supporting this determination are described in an October 31, 1995, EPA memorandum. Specifically, the following were discussed in the memorandum:

- Based on currently available information, the site's North Marsh Area waste is not a RCRA listed waste as defined in Subpart D of 40 C.F.R. Section 261; and
- Based on information provided in the Technical Memorandum Supplemental North Marsh Area Site Investigation and Evaluation of Original Remedy (GeoSyntec Consultants, October 1995), the site's North Marsh Area waste does not exhibit a hazardous characteristic as defined in 40 C.F.R. Section 261 (i.e., ignitability, corrosivity, reactivity, or toxicity).

IV. SUPPORT AGENCY COMMENTS

The Texas Natural Resource Conservation Commission found no objections to the draft of this ESD and concurs with the proposal, as evidenced by the attached letter dated December 15, 1995.

V. PUBLIC PARTICIPATION ACTIVITIES

This ESD will become part of the Administrative Record for the Bailey Waste Disposal Superfund site, will be made available to the public, but will not be distributed for public comment. For additional information regarding this ESD, please contact the EPA Project Manager for the Bailey Waste Disposal Superfund site:

Chris Villarreal
U.S. Environmental Protection Agency
1445 Ross, Avenue (6SF-AT)
Dallas, Texas 75202-2733
(214) 665-6758

VI. STATUTORY DETERMINATIONS

Considering the new information developed during the remedial action and the resulting changes from the selected remedy described in the ROD, the EPA believes that the remedy remains protective of human health and the environment. The revised remedy utilizes permanent solutions to the maximum extent practicable for this site and is cost-effective. It complies with the NCP and other federal and state requirements that are applicable or relevant and appropriate to this remedial action.



Jane N. Saginaw
Regional Administrator

FEB 08 1996

Date